

REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register: 21 July 1998
Name of applicant/court: The District Court at Blenheim
Applicant to the Labelling Body: Not Applicable
Title of Publication: Jung und Frei Nr. 90 Dezember 1994
Other Known Titles: Jung und Frei (Exhibit 23)
Director: Not Applicable
Producer: Not Applicable
Publisher: Peenhill Ltd.
Author: Not Applicable
Format: Magazine
Country of Origin: England
Language: German

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Components of film originally examined:

Feature:	Not Applicable	Running time:
Trailers:		Running time:
		Total Running time:

Excision/Alteration: Not Applicable.

Reason(s) for Excision:

Not Applicable.

Classification Decision:

Objectionable.

Display Conditions:

Not Applicable.

Descriptive Note:

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Not Applicable.

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Direction to issue a label has been given on Not Applicable

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SUMMARY OF THE REASONS FOR DECISION:

The magazine entitled *Jung und Frei Nr.90 Dezember 1994* (also known as *Jung und Frei (Exhibit 23)*) is classified as:
Objectionable.

This is because it exploits the nudity of children and young persons to a significant extent and high degree.

The predominant focus for the magazine is images of naked young children and teenagers of both sexes. This focus is reflected both in the form of photographs and the accompanying text. Photographs are the main means of communication for the magazine and they constitute approximately 70% of the magazine's contents. The nudity of the children and young persons is exploited as the photographs are a point of attraction for readers of the magazine and is used to some extent to market the magazine.

In considering the classification of this magazine the Classification Office has given consideration to the impact of the magazine, its intended purpose and market, and the purported naturist focus of the magazine. In relation to these matters, the Classification Office is of the opinion that the contents of the magazine cannot support the view that this publication is a naturist magazine and that it is a magazine designed for family consumption. What is significant within a New Zealand context, however, is the fact that the articles are written in German. For the non-German literate reader this means that the photographs form the point of reference from which they may interpret the essence of the article. Their perception of the story may therefore be distorted. This is particularly the case with photographs which bear no relation to the article that they appear adjacent to, and photographs that have a very stage-managed appearance.

It is because of the lack of alternative points of reference for the magazine, that the Classification Office believes that the magazine exploits the nudity of children and young persons to a significant extent and high degree for the purpose of facilitating the sale of the magazine.

The New Zealand Bill of Rights Act 1990 has been considered in reaching this decision. The Classification Office is of the opinion that the classification of the magazine is a justifiable limit on the freedom of expression that is prescribed by law.

OFLC Ref: 9800186